

**DRAFT
ENVIRONMENTAL ASSESSMENT**

**PIG FARM
FISHING ACCESS SITE
PROPOSED PERMIT AND DEVELOPMENT**



December 2018



***Montana Fish,
Wildlife & Parks***

**Pig Farm Fishing Access Site
Proposed Permit and Development
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST**

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

Montana Fish, Wildlife & Parks (FWP) proposes to lease approximately 3 acres of public land from the Montana Department of Transportation (MDT) along the Yellowstone River for the purpose of providing public access to the Yellowstone River and developing a fishing access site (FAS). Proposed developments include a gravel parking area, a boat ramp, a ramp staging area, a gravel access road, a concrete vault latrine, boundary fencing, and informational signs. Development of the site would require upgrades be made to the Montana Rail Link crossing to meet public crossing standards and to insure public safety. Development of the site would provide an important access point on the Yellowstone River for boaters and floaters, providing strategic access between existing FAS's and replacing an FAS that is no longer suitable for launching boats.

2. Agency authority for the Proposed Action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs FWP to acquire, develop, and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection fees and charges for the use of fishing access sites and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features, and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule. See Appendix A for HB 495 qualification.

3. Name of Project:

Pig Farm Fishing Access Site Proposed Permit and Development

4. Project Sponsor:

Montana Fish, Wildlife and Parks, Region 3
1400 South 19th Avenue
Bozeman, MT 59718
(406) 994-4042

5. Anticipated Schedule:

Estimated Public Comment Period: January 2019
Estimated Decision Notice: February 2019
Commission Approval Requested to Proceed: February 2019

Estimated Commencement Date: Spring 2019
Estimated Completion Date: Summer 2019
Current Status of Project Design (% complete): 35%

6. Location:

The proposed Pig Farm FAS is located on the Yellowstone River along Interstate 90, approximately 11 miles east of Livingston and 9 miles southwest of Springdale in Park County, NE1/4 Section 34, Township 1 South, Range 11 East (Figures 1 and 2).

Figure 1. General Location of Pig Farm FAS

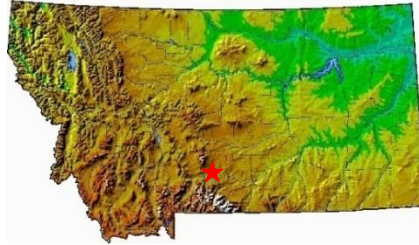


Figure 2. Area Location of Pig Farm FAS

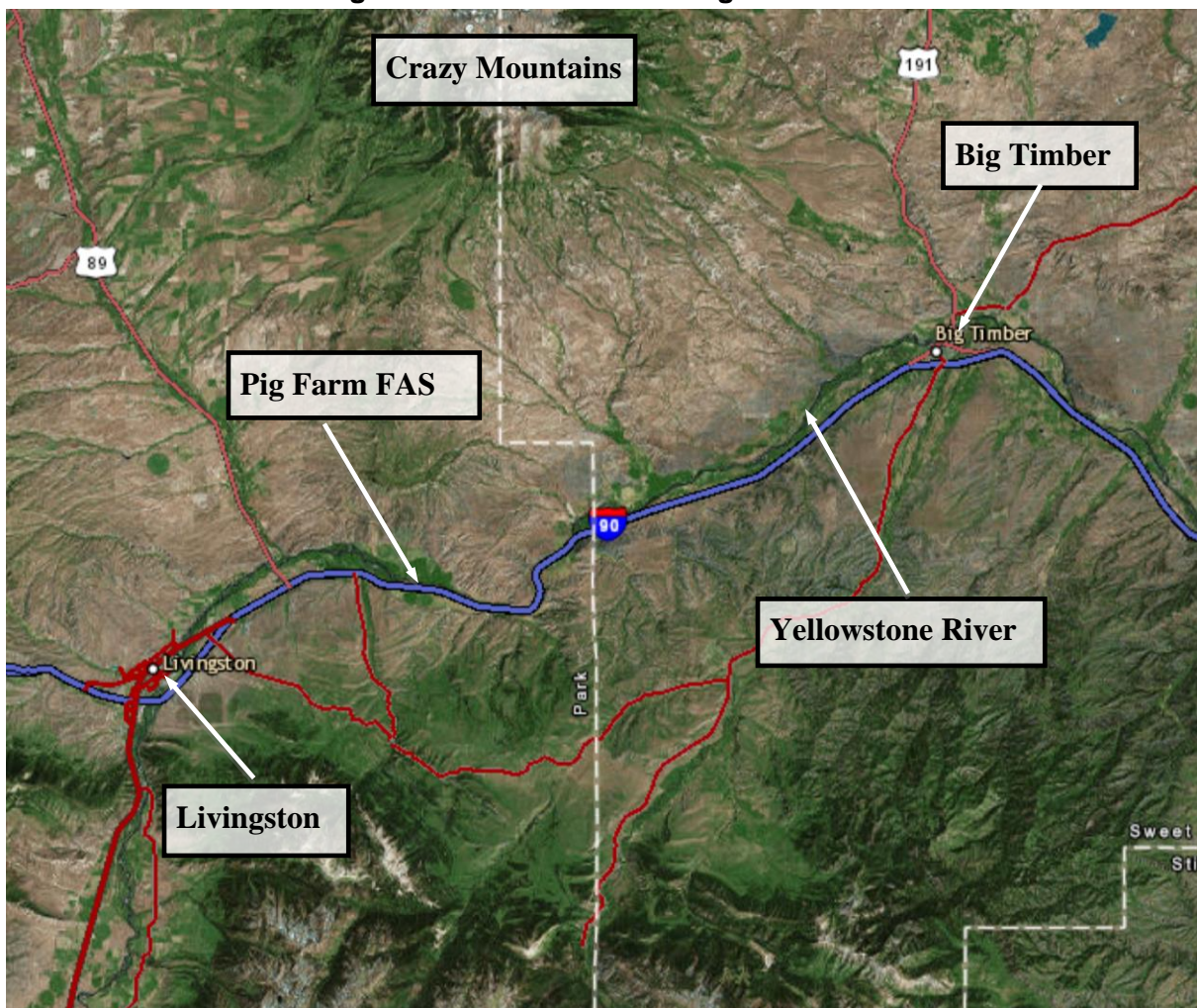


Figure 3. Montana Department of Transportation Parcel Map, Aerial View

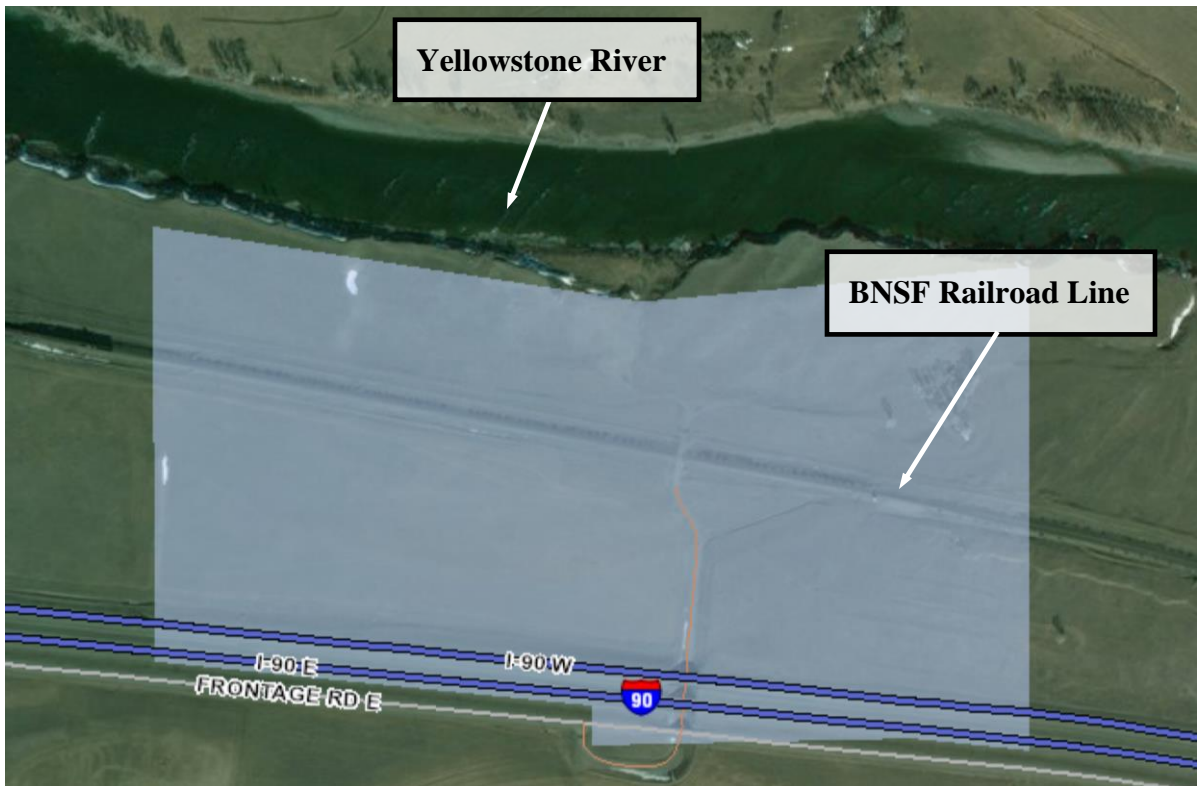


Figure 4. Pig Farm FAS Proposed Boundary.



Photo 1. View of pioneered boat launch, access road, and parking area at Pig Farm FAS.



Photo 2. The access road crosses an active Montana Rail Link rail line.



Figure 5. Pig Farm Preliminary Concept Site Plan



Figure 6. Pig Farm Enlarged Concept Site Plan



8. Permits, Funding, & Overlapping Jurisdiction:

(a) Permits: Permits would be filed at least 2 weeks prior to project start.

Agency Name	Permits
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Dept. of Transportation	Recreational Use Permit (RUP)
Montana Fish, Wildlife & Parks	124 Montana Stream Protection Act
Park County	Floodplain Permit and Sanitation Permit
US Army Corps of Engineers	404 Federal Clean Water Act

(b) Funding:

Agency Name	Funding Amount
MDT Recreational Use Permit	\$ 0
Montana Fish, Wildlife & Parks General License Fund	\$60,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Natural Heritage Program	Species of Concern (<i>Appendix B</i>)
State Historic Preservation Office	Cultural Clearance
Park County Weed District	Weed Management Coordination

9. Narrative summary of the proposed action:

The Yellowstone River originates in the Absaroka Range in the southeastern area of Yellowstone National Park, Wyoming and flows through the park before entering Montana at Gardiner. From the park boundary, the river flows north through Paradise Valley to Livingston where it continues in a northeasterly direction through southeastern Montana and meets up with the Missouri River just across the North Dakota border. The Yellowstone River has a total length of 692 miles, of which 555 miles are in Montana. The Yellowstone River has survived as one of the last, large, free-flowing rivers in the continental United States. Lack of main-stem impoundments allows spring peak flows and fall and winter low flows to influence a unique ecosystem and aesthetic resource. From the clear, coldwater cutthroat trout fishery in Yellowstone National Park to the warm water habitat at its mouth, the river supports a large variety of aquatic environments that remain relatively undisturbed. The adjacent terrestrial, riparian environment through most of the 555 Montana miles of river is a cottonwood-willow bottomland supporting diverse habitats for many plant and animal species, including many Montana Species of Concern. The river has also been a major factor in the settlement of southeastern Montana and retains much cultural and historical significance. Today, the river is also important for recreational use along its entire length through Montana and is heavily used for boating, floating, fishing, hunting, wildlife viewing, hiking, and picnicking.

The proposed Pig Farm FAS is located at river mile 483 of the Yellowstone River, approximately 209 miles downstream of its headwaters in Yellowstone National Park, Wyoming. The Yellowstone River, one of the most popular trout streams in the United States, is open to angling year-round from Yellowstone National Park to Billings; use by anglers upstream of Billings is heavy. According to surveys by FWP, the average number of angler days per year from 2009 to 2015, on the 16-mile stretch from the Springdale Bridge (river mile 473) to the Highway 89 Bridge (river mile 489), was 10,203, with a low of 6,988 in 2015 and a high of 14,382 in 2013. The regional ranking for this stretch of river averaged the 19th most fished body of water and the state ranking for this stretch of river averaged

the 72nd most fished body of water in Montana during this same period, out of more than 1,400 stream reaches, lakes, and reservoirs surveyed biennially in Montana by FWP. Because silt and gravel deposition at the Sheep Mountain FAS (river mile 486) has created a land barrier between the boat ramp and river, boat launching from this location has become difficult. The proposed Pig Farm FAS would provide an alternate boat launching location in a heavily used stretch of the Yellowstone River and would be the only FAS on the 16-mile stretch between the Highway 89 Bridge (river mile 489) and Springdale FAS (river mile 473), providing an important and strategic location for launching and taking-out boats and rafts. Sheep Mountain FAS would continue to be open to hand launching boats and rafts, wade fishing, picnicking, and wildlife viewing.

The Pig Farm site currently has a pioneered access road, boat launch, and parking area and has been used by the local public to launch boats and rafts for years. In addition, Interstate 90 and the Montana Rail Link rail line parallels the Yellowstone River and runs through the property (Figures 3 and 4). The site is owned by the Montana Department of Transportation (MDT) and would provide convenient access to the river from Interstate 90. However, accessing the river would also necessitate crossing Montana Rail Link railroad tracks. Montana Rail Link has agreed to upgrade the railway crossing, at their expense, to meet the standards for a public crossing.

FWP proposes to obtain a Recreational Use Permit (RUP) from MDT for approximately 3 acres of public land along the Yellowstone River for the purpose of providing public access to the Yellowstone River and developing a FAS. Proposed developments include a gravel parking area, a boat ramp, a ramp staging area, a gravel access road, a concrete vault latrine, boundary fencing with two pedestrian turnstiles, and two administrative accesses and informational signs (Figures 5 and 6). Development of the site would require upgrades be made to the Montana Rail Link railroad crossing to meet public crossing standards and to insure public safety. Development of the site would provide an important access point on the Yellowstone River for boaters and floaters providing strategic access between existing FAS's and replacing an FAS that is no longer suitable for launching boats. In addition to improving recreational opportunities along the Yellowstone River, the proposed RUP provides legal access to this reach of the Yellowstone River and reduces the safety hazard of uncontrolled public crossing of an active rail line.

The property would be managed under existing FWP public use regulations. Management of the FAS would include routine maintenance, control of vehicles and firearms, and other accepted FWP recreation area management policies. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties would all be considered and incorporated into development plans for this site. The FAS would be for day use only and overnight camping would not be allowed on the site. Development of Pig Farm FAS would provide public access to the Yellowstone River for fishing, boating, and floating and provide additional recreational opportunities for dog walking, picnicking, and wildlife viewing.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action.

If no action was taken, a RUP was not obtained on the 3-acre parcel, and the proposed developments were not constructed, recreational access to this stretch of the Yellowstone River would continue to be limited and unsafe. The existing pioneered access is located on MDT land and would require continued illegal, unsafe crossing of an active Montana Rail

Link rail line. Public access for recreational opportunities for boating, fishing, floating, picnicking, wildlife viewing, and walking along the Yellowstone River would also continue to be limited.

Alternative B: Proposed Action.

FWP proposes to obtain a RUP for approximately 3 acres of public land from the MDT along the Yellowstone River for the purpose of providing public access to the Yellowstone River and developing a FAS. Proposed developments include a parking area, boat ramp, ramp staging area, gravel access road, concrete vault latrine, boundary fencing, and informational signs. Development of the site would require upgrades be made to the Montana Rail Link crossing to meet public crossing standards and to insure public safety. Montana Rail Link has agreed to upgrade the railway crossing, at their expense, to meet the standards for a public crossing. Development of the site would provide an important access point on the Yellowstone River for boaters and floaters providing strategic access between existing FAS's and replace a FAS that is no longer suitable for launching boats.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP would employ Best Management Practices (BMP) (*Appendix D*), which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the Proposed Action. All county, state, and federal permits listed in Part I 8(a) above would be obtained by FWP as required. A private contractor selected through the State's contracting processes would complete the construction.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action, including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering, or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition, or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazards?		X				

- 1a. The Proposed Action would not affect existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability of the site. Soil and geologic substructure would remain stable during and after the proposed work.
- 1b. During construction, some minor modifications to the existing soil features would be required for construction of the parking area, boat ramp, ramp staging area, and access road. Disturbed areas would be seeded with a native seed mix to minimize erosion and sediment delivery to the Yellowstone River and the spread of noxious weeds. The property's current management for livestock grazing, wildlife habitat, and transportation would continue. The Proposed Action would not affect soil productivity or fertility. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion (*Appendix D*).
- The proposed RUP and development would improve erosion and deterioration of the site by controlling use, minimizing erosion of the pioneered access road and boat launch, and re-vegetating disturbed soils.
- 1c. No unique geologic or physical features would be altered by the Proposed Action.
- 1d. The proposed project would have temporary and minor adverse impacts on the bank of the Yellowstone River. Minor amounts of sediment may enter the river during construction of the parking area, boat ramp, and access road. Upon completion, erosion and sedimentation to the river would be improved.

2. <u>AIR</u> Will the proposed action result in:	IMPACT *					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a.
b. Creation of objectionable odors?		X				2b.
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		X				2e.

- 2a. Dust may be temporarily generated during construction of the boat ramp, ramp staging area, parking area, and access road. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. FWP would follow FWP BMP during all phases of construction to minimize risks and reduce dust. See *Appendix D* for the BMP. Diesel equipment would be used to implement the Proposed Action. There would be a temporary increase in diesel exhaust. If the Proposed Action were implemented, odors from diesel exhaust would dissipate rapidly. The impacts would be short term and minor.
- 2b. FWP would regularly maintain the latrine to minimize objectionable odors.
- 2e. The proposed project would have no impact on air quality in the vicinity of Pig Farm FAS and would not result in any discharge that could conflict with federal or state air quality regulations.

3. <u>WATER</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen, or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)			X		Yes	3l.
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)			X		Yes	3m.

- 3a. Construction of the proposed developments may cause a temporary, localized increase in turbidity in the Yellowstone River. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity. FWP BMPs would be followed during all construction (*Appendix D*).
- 3b. Construction of a designated parking area, boat ramp, ramp staging area, and access road may alter surface runoff. The Proposed Action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. FWP BMP would be followed (*Appendix D*).
- 3d. There may be a minor, temporary increase of runoff during construction. FWP BMP would be followed (*Appendix D*).
- 3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and a temporary increase in sediment delivery to the river. FWP

BMPs would be followed during all phases of construction to minimize these risks (*Appendix D*).

- 3l. According to the Park County Floodplain Administrator, a small portion of the proposed project site would be located within the floodway of the Yellowstone River, as shown on the Federal Emergency Management Agency (FEMA) Map # 30067C0650C, effective date October 18, 2011. The proposed boat ramp and a portion of the parking area and access road would be located within the 100-year floodplain, with a 1% annual chance of a flood hazard. Permits from FWP, Montana Department of Environmental Quality (DEQ), and Park County will be obtained to insure the proposed project will follow federal, state, and county floodplain and water quality regulations.

- 3m. All impacts to water quality resulting from construction would be temporary.

4. VEGETATION Will the proposed action result in?	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Changes in the diversity, productivity, or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes Positive	4a.
b. Alteration of a plant community?		X				4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		X				4f.
g. Other:						

- 4a. The Proposed Action would have minor impacts on the plant communities and diversity of the grassland, shrubland, and small wetland plant communities on the proposed Pig Farm FAS. Disturbed areas would be reseeded wherever possible to reduce erosion and weed establishment and to encourage the growth of native plant communities. The boat ramp, ramp staging area, parking area, and access road would be constructed on sites previously disturbed by pioneered recreational use. Development of the boat ramp, access road, ramp staging area, and parking area would have a minor impact on the vegetation and a minimal number of trees and shrubs would be removed during construction. Because the construction area is small, impacts from construction would be minor.
- 4b. The Proposed Action would not alter the composition of plant communities at the site. The primary ecological systems found on Pig Farm FAS is *Rocky Mountain Lower Montane, Foothill, and Valley Grassland* and *Great Plains Floodplain* with small areas of *Rocky Mountain Lower Montane- Foothill Riparian Woodland and Shrubland*, as defined by the Montana Natural Heritage Program (MNHP), and is dominated by narrowleaf cottonwood. Common native plant species found on the proposed project site include narrowleaf

cottonwood, sandbar willow, Bebb's willow, crack willow, snowberry, chokecherry, Wood's rose, Idaho fescue, and western wheatgrass.

A 1.5-acre *Temporarily Flooded Freshwater Emergent Wetland* and a .5-acre *Temporarily Flooded Freshwater Scrub-Shrub Wetland* are located adjacent to the existing pioneered boat launch but are not included on the proposed Pig Farm FAS property. Because the boat ramp would be small and located within the footprint of the existing pioneered boat launch, impacts from boat ramp construction on these wetlands would be minor.

Common introduced species found on the property include smooth brome, Kentucky bluegrass, orchardgrass, cheatgrass, and dandelion. Weed species found throughout the site include spotted knapweed, a Noxious Weed, and cheatgrass, a Regulated Species, as classified by the Montana Department of Agriculture.

- 4c. A search of the Montana Natural Heritage Program's (MNHP) Species of Concern database found no Montana plant Species of Concern within the vicinity of Pig Farm FAS.
- 4d. The 87-acre MDT parcel is currently leased to neighboring landowners for livestock grazing. Apart from the 3-acre RUP for Pig Farm FAS, the MDT parcel will continue to be leased for livestock grazing. Even though livestock grazing would not be allowed on Pig Farm FAS, the impact of removing 3 acres from livestock grazing would have a minor impact on the agricultural productivity of the site.
- 4e. Spotted knapweed and cheatgrass are found along the Yellowstone River and throughout the property. In conjunction with the Park County Weed Department, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological, and mechanical methods to control weeds on the property. Weed management would also include the establishment of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking areas, access roads, and boat ramp, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas to minimize the spread of noxious weeds. Weed control costs for Pig Farm FAS in 2018 would be approximately \$2,000, which includes spraying by both FWP and Park County Weed Department.
- 4f. According to a search of the Natural Resource Conservation Service (NRCS) Web Soil Survey on November 7, 2018, no portion of the proposed Pig Farm FAS or the 87-acre MDT parcel is classified as Prime Farmland, Prime Farmland if Irrigated, or Prime Farmland of Local or Statewide Importance.

A search of the MNHP Wetland and Riparian Mapping Program on November 7, 2018 and a site visit by FWP staff found that no wetland or riparian forest or shrubland is located on the project site. A 1.5-acre *temporarily flooded Freshwater Emergent Wetland* and a .5-acre *temporarily flooded Freshwater Scrub-Shrub Wetland* are located adjacent to the existing pioneered boat launch but are not included on the proposed Pig Farm FAS property. Because the boat ramp would be small and located within the footprint of the existing pioneered boat launch, impacts from boat ramp construction on these wetlands would be minor. In addition, because the site has been previously disturbed by a pioneered parking area, boat launch, access road, livestock grazing, and heavy public recreational use, development of the proposed FAS would have no impacts on wetland vegetation found along the Yellowstone River.

5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest, or other human activity)?		X				
h. <u>For P-R/D-J</u> , will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		X				5h.
i. <u>For P-R/D-J</u> , will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		X				5i.

5a. The proposed developments are designed to minimize impacts to wildlife habitat. A minimal number of trees and shrubs would be removed for construction of the boat ramp, parking area, ramp staging area, and access road and efforts would be made to preserve any large healthy trees and snags where possible. Construction would take place in winter or early spring to avoid disturbance to nesting birds, however, this stretch of the Yellowstone River is not considered critical habitat for any wildlife species.

5b/5c The proposed project would have no impact on the diversity or abundance of game or non-game wildlife species. Common wildlife species whose habitat distribution overlaps the proposed Pig Farm FAS include white-tailed and mule deer, mountain lion, black bear, beaver, northern river otter, bald eagle, osprey, sandhill crane, ring-necked pheasant, wild turkey, and great blue heron. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including a variety of raptors, waterfowl, and songbirds.

According to Scott Opitz, FWP Region 3 Fisheries Biologist, and a review of Montana Fisheries Information System (MFISH) database, common game fish found in the Yellowstone River in the vicinity of Pig Farm FAS include brown trout, rainbow trout, and Yellowstone cutthroat trout. In addition, mountain whitefish is commonly found in this stretch of the Yellowstone River. Common non-game species found in this reach include longnose sucker and white sucker. Due to its small scale, the proposed project is unlikely to impact the fishery or aquatic habitat of the Yellowstone River.

- 5f. A search of the Montana Natural Heritage Program (MNHP) element occurrence database indicates occurrences of bald eagle (listed as DM by the US Fish and Wildlife Service (USFWS)), within the Proposed Action site. No other occurrences of federally ranked or considered for ranking animal or plant species have been found within the vicinity of the Proposed Action site. The search also indicated that Yellowstone cutthroat trout, great blue heron, golden eagle, veery, and sagebrush sparrow, Montana animal Species of Concern, have been observed on or near the Proposed Action site. No species occurrences of Montana plant Species of Concern has been observed within 2 miles of the Proposed Action site.

According to Karen Loveless, FWP Region 3 Wildlife Biologist, the proposed project is unlikely to impact bald eagles. The nearest bald eagle nest is approximately 1 mile downstream of the FAS, which is outside of the recommended 0.5-mile distance in the Montana Bald Eagle Management Plan, indicating the proposed project would have no effect on bald eagles. While bald eagles were officially delisted in 2007, the USFWS has jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). In addition, the proposed project is also unlikely to impact bald eagles as this species is accustomed to some level of disturbance in the area. The area surrounding the FAS has been disturbed by Interstate 90, the active Montana Rail Link rail line, agricultural activities, and pioneered recreational use for years. According to Karen Loveless, the proposed project is also unlikely to impact bald eagle, golden eagle, great blue heron, veery, and sagebrush sparrow because the proposed FAS is small, the site does not provide habitat that would support these species, or the species have become adjusted to the long-term disturbance of the site.

The USFWS designated two animal species and one plant species as needing or potentially needing additional habitat protection in Park County. Canada lynx has been listed as Threatened (LT) by the USFWS, defined as species that are likely to become an endangered species within the foreseeable future throughout all or a significant portion of their range. Wolverine is listed as a Proposed species (P) defined as any species that is proposed in the Federal Register to be listed as Threatened or Endangered, and whitebark pine is listed as a Candidate (C), defined as species with sufficient information and biological status and threats to propose to list it as threatened and endangered. The proposed RUP and development of the Pig Farm FAS would have no impact on these species because the site does not provide preferred habitat for these species.

According to Abigail Nelson, FWP Wolf Biologist, Pig Farm FAS is within the habitat of the gray wolf. Currently there are packs with a home range that overlaps the project area. While it is possible for wolves to travel through the project area, none have been recently sighted in the immediate area. The wolf population in Montana is strong and wolves may pass through just about any area including this site. FWP has no concerns with this project impacting gray wolves.

- 5h. No threatened or endangered species have been observed near the proposed project area (*Appendix B- Native Species Report*) so the proposed project would have no impact on any Threatened or Endangered species.
- 5i. No wildlife species would be imported or exported to the area as a result of the proposed development. This project only involves the RUP and development of the Pig Farm FAS and will not promote the introduction or spread of invasive species.

B. HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X		Yes	6a.
b. Exposure of people to serve or nuisance noise levels?			X		Yes	6b.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor.

6b. The proposed Pig Farm FAS is located within 11 miles of Livingston, Montana and only one residence or commercial business is located within 1 mile of the project site. The site is surrounded by private ranch land. Because the site has been used for recreation for years and is located adjacent to an active rail line and Interstate 90, the proposed RUP would have no additional impact on noise in the vicinity of the proposed Pig Farm FAS. The minor and temporary increase of noise levels during construction may be heard by nearby neighbors and visitors, though this is an area already impacted by noise from traffic, trains, and seasonal farm equipment. FWP would follow the guidelines of the good neighbor policy, all of which would mitigate increased noise levels and would limit construction to periods of low visitation to minimize disturbance to others.

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7d.

7a. Land use would not change in the vicinity of Pig Farm FAS so the proposed project would have no impact on the productivity or profitability of the FAS.

7d. The Proposed Action would not adversely affect nearby residences.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan		X				
c. Creation of any human health hazard or potential hazard?			X		Yes Positive	8c.
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)			X		Yes	8d.

- 8a. Physical disturbance of the soil during construction could encourage the establishment of additional noxious weeds on the site. In conjunction with the Park County Weed District, FWP would implement an integrated approach to control noxious weeds, as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and applied by people trained in safe handling techniques.

There is a minor and temporary risk of fuel or oil from heavy equipment accidentally being released into the flood plain during construction. Contractors would have absorbent materials on site to minimize any hydrocarbon releases, as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. FWP would follow FWP BMP during all phases of construction to minimize risks (*Appendix D*).

- 8c. The proposed project would improve public safety by improving boat launching facilities, providing adequate parking, and improving traffic flow, thereby minimizing vehicle conflicts between visitors.

Developing a FAS on this site necessitates crossing a section of railroad tracks under the control of Montana Rail Link. Upgrades to the existing railroad crossing to accommodate public recreational use of the MDT property would be necessary to insure public safety. Montana Rail Link has agreed to upgrade the railway crossing, at their expense, to meet the standards for a public crossing.

- 8d. The use of herbicides to control noxious weeds could result in temporary water contamination from an inadvertent spill. The use of herbicides would be in compliance with application guidelines, outlined in the FWP Statewide Integrated Noxious Weed Management Plan, to minimize this risk and would be applied by people trained in safe handling techniques.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				9c.
d. Changes in industrial or commercial activity?			X		Yes Positive	9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				9e.

- 9c. The proposed project would improve recreation in the area by providing permanent access to the Yellowstone River and improving boat launching and parking facilities. This would benefit local retail and service businesses (*Appendix C - Tourism Report*).
- 9d. There is the potential for an increase in commercial fishing use on the site.
- 9e. The proposed developments would give boaters and floaters another opportunity to access this stretch of the Yellowstone River. Since it is likely that the proposed project would increase recreational use of the site, there could be a small increase in traffic on the Interstate 90 Frontage Road. Otherwise, the Proposed Action would have little or no impact on traffic on the Frontage Road and any impacts to traffic would be minor and concentrated on weekends during the peak season. The Proposed Action also would not alter the distribution of population in the area.

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				10e.
f. Define projected maintenance costs.		X				10f.

- 10a. The proposed RUP and development of the Pig Farm FAS would have no impact on public services or utilities. The proposed developments would require periodic maintenance by FWP and the site would continue to be patrolled by FWP.
- 10b. The Proposed Action would have no effect on the local and state tax base and revenue because FWP pays property taxes in an amount equal to that of a private individual.
- 10e. No revenue would be generated at the FAS.
- 10f. Projected annual operating, maintenance, weed control, and personnel expense for fiscal year 2019/2020 would be determined based on final development plans.

11. <u>AESTHETICS/RECREATION</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				11b.
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		X				11d.

11a/b. The Proposed Action would have no impact on the aesthetic values of the FAS.

11c. The Proposed Action would improve recreational use of this stretch of the Yellowstone River by replacing the poorly functioning boat launching facilities at Sheep Mountain FAS and by improving the pioneered boat launching and parking facilities on the FAS. This could benefit local retail and service businesses (*Appendix C - Tourism Report*).

11d. No designated wild or scenic rivers, trails, or wilderness areas would be impacted by the proposed developments.

12. <u>CULTURAL/HISTORICAL RESOURCES</u> Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		X				12d.

12a/d. Prior to the commencement of construction, FWP will contact the State Historic Preservation Office (SHPO) and seek a concurrence from SHPO on FWP recommendations for the project. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

SIGNIFICANCE CRITERIA

13. <u>SUMMARY EVALUATION OF SIGNIFICANCE</u> Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. <u>For P-R/D-J</u> , is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		X				13f.
g. <u>For P-R/D-J</u> , list any federal or state permits required.		X				13g.

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term, and the developments would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of the popular Yellowstone River.

- 13f. The proposed project is designed to improve recreational facilities on the site and is not expected to generate organized opposition or substantial public controversy.
- 13g. The U.S. Army Corps of Engineer 404 Federal Clean Water Act is the only federal permit required for the proposed development. The Montana DEQ 318 Short Term Water Quality Standard for Turbidity, the MDT RUP, and the FWP 124 Montana Stream Protection Act are the only state permits required for the proposed development. In addition, a Park County Floodplain permit would be required.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term, and the developments would benefit the community and recreational opportunities over the long-term. The Proposed Action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the Proposed Action positively impacts the public's recreational use of the popular Yellowstone River.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent wildlife species and would be open to the public for river access.

The Proposed Action would not impact the local wildlife species that frequent the property and the project would be designed to avoid conditions that stress wildlife populations. This stretch of the Yellowstone River is also not considered critical habitat for any fish or wildlife species.

Though Yellowstone cutthroat trout, bald eagle, golden eagle, great blue heron, veery, and sagebrush sparrow, Montana animal Species of Concern, have been observed in the vicinity of the proposed project site, the proposed project is unlikely to impact these species. Construction would commence in Winter/Spring 2019, well before critical nesting periods. In addition, these species are likely accustomed to disturbance from Interstate 90, train traffic, agriculture, and pioneered recreational use in the area for years. While it is possible for wolves to travel through the project area, none have been sighted and there is no pack located in the area, so it is unlikely that the Proposed Action would impact gray wolves.

Soils disturbed during construction could colonize with weeds. Disturbed areas would be re-seeded with a native reclamation seed mix where to reduce the establishment of weeds. In conjunction with Park County Weed Control District, FWP would implement the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property.

The proposed RUP and development of Pig Farm FAS would replace the boat launching facilities at Sheep Mountain FAS that no longer function during most of the year due to silt and gravel deposition. The project would provide safe and convenient river access for fishing, boating, and floating in addition to improving recreational opportunities for picnicking, dog-walking, and wildlife viewing. The proposed project would increase recreational opportunities of this stretch of the popular Yellowstone River.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on the Pig Farm FAS Proposed RUP and Development Project, the Proposed Action, and alternatives:

- Two public notices in each of these papers: *The Livingston Enterprise*, *the Bozeman Chronicle*, and *the Helena Independent Record*.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EA's will be available at the FWP Region 3 Headquarters in Bozeman and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets

- interested in FWP Region 3 issues.
- Copies of this environmental assessment will be distributed to neighboring landowners and interested parties to ensure their knowledge of the Proposed Action.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated. If requested within the comment period, FWP will schedule and conduct a public meeting on this Proposed Action.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., January 18, 2019 and can be mailed to the addresses below:

Pig Farm FAS Proposed Permit and Development Project
Montana Fish, Wildlife and Parks, Region 3
1400 South 19th Avenue
Bozeman, MT 59718
(406) 994-4042

PART V. EA PREPARATION

**1. Based on the significance criteria evaluated in this EA, is an EIS required? NO
If an EIS is not required, explain why the EA is the appropriate level of analysis for this Proposed Action.**

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the Proposed Action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value effected, any precedent that would be set as a result of an impact of the Proposed Action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the Proposed Actions, an EA is the appropriate level of review and an EIS is not required.

2. Person(s) responsible for preparing the EA:

Jay Pape
Region 3 Fishing Access Site Manager
1400 South 19th Avenue
Bozeman, MT 59718
JPape@mt.gov
(406) 994-3155

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

3. List of agencies or offices consulted during preparation of the EA:

Montana Department of Commerce – Tourism
Montana Department of Transportation
Montana Fish, Wildlife & Parks
Design and Construction
Lands Unit

Legal Unit
Fisheries Division
Wildlife Division
Montana Natural Heritage Program – Natural Resources Information System (NRIS)
Montana State Historic Preservation Office

APPENDICES

- A. MCA 23-1-110 Qualification Checklist
- B. Environmental Summary Report - Montana Natural Heritage Program
- C. Tourism Report – Department of Commerce
- D. Montana Fish, Wildlife and Parks Best Management Practices

APPENDIX A

HB495 PROJECT QUALIFICATION CHECKLIST

Date: November 8, 2018

Person Reviewing: Andrea Darling

Project Location: The proposed Pig Farm Fishing Access Site is located on the Yellowstone River along Interstate 90, approximately 11 miles east of Livingston and 9 miles southwest of Springdale, Montana in Park County, NE1/4 Section 34, Township 1 South, Range 11 East

Description of Proposed Work: FWP proposes to obtain a RUP for approximately 3 acres of public land from MDT along the Yellowstone River for the purpose of providing public access to the Yellowstone River and developing a FAS. Proposed developments include a gravel parking area, boat ramp, ramp staging area, gravel access road, concrete vault latrine, boundary fencing, and informational signs.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

- ☐ **A. New roadway or trail built over undisturbed land?**
Comments: No new road would be built over undisturbed land.
- ☐ **B. New building construction (buildings <100 sf and vault latrines exempt)?**
Comments: No new construction.
- ☒ **C. Any excavation of 20 c.y. or greater?**
Comments: Yes, for the boat launch, ramp staging area, and parking area.
- ☒ **D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?**
Comments: The parking area will increase capacity by more than 25% from the pioneered parking on the site.
- ☐ **E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?**
Comments: No shoreline alteration other than for a singlewide boat ramp.
- ☒ **F. Any new construction into lakes, reservoirs, or streams?**
Comments: The boat ramp would be built along the Yellowstone River bank.
- ☐ **G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?**
Comments: SHPO would be contacted prior to commencement of construction.
- ☐ **H. Any new above ground utility lines?**
Comments: No new utility lines.
- ☐ **I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?**
Comments: No new campsites.
- ☒ **J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?**
Comments: Yes, the Proposed Action would change the use pattern by developing a FAS.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX B

ENVIRONMENTAL SUMMARY REPORT MONTANA NATURAL HERITAGE PROGRAM Montana Species of Concern in the Vicinity of Pig Farm Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (<http://nris.mt.gov>) indicates species occurrences of bald eagle within one mile of the Proposed Action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the Proposed Action site. The search indicated that Yellowstone cutthroat trout, great blue heron, golden eagle, veery, and sagebrush sparrow, Montana animal Species of Concern, have been observed in or near the Proposed Action site. No species occurrences of Montana plant Species of Concern has been observed within 2 miles of the Proposed Action site. More information on these species is included below.

Montana Species of Concern. The term “Species of Concern” includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are “at-risk”. Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known “occurrences” or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species’ life history that make it especially vulnerable are also considered (e.g., dependence on a specific Pollinator).

U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.

LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.

DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.

BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport,

export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	Definition
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

FWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

Tier I. Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.

Tier II. Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.

Tier III. Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.

Tier IV. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

**MONTANA PLANT AND ANIMAL SPECIES OF CONCERN
IN THE VICINITY OF
PIG FARM FISHING ACCESS SITE**

1. *Haliaeetus leucocephalus* (Bald Eagle)

Montana Special Status Species

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S4**

Global: **G5**

Habitat -Riparian Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC10; BCC11, BCC17**

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP:

Element Occurrence data was reported of bald eagle within one mile of the project area.

2. *Aquila chrysaetos* (Golden Eagle)

Montana Special Status Species

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat -Grasslands

Federal Agency Status:

U.S. Fish and Wildlife Service: **BGEPA; MBTA; BCC17**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of golden eagle within one mile of the project area.

3. *Ardea herodias* (Great Blue Heron)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3**

Global: **G5**

Habitat -Riparian Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management:

FWP SWAP: **SGCN3**

Element Occurrence data was reported of great blue heron within the project area.

4. *Catharus fuscenscens* (Veery)

Vertebrate animal- Bird

Natural Heritage Ranks

State: **S3B**

Global: **G5**

Habitat- Riparian Forest

Federal Agency Status:

U.S. Fish and Wildlife Service: **MBTA**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of veery within 1 mile of the project area.

5. *Artemisiospiza nevadensis* (Sagebrush sparrow)

Vertebrate animal- Bird

Habitat- Sagebrush

Natural Heritage Ranks

Federal Agency Status:

State: **S3B**

U.S. Fish and Wildlife Service: **MBTA; BCC10; BCC17**

Global: **G5**

U.S. Forest Service:

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN3**

Element Occurrence data was reported of greater sagebrush sparrow within 1 mile of the project area.

6. *Oncorhynchus clarkii bouvieri* (Yellowstone Cutthroat Trout)

Vertebrate animal- Fish

Habitat-Mountain Streams, Rivers, Lakes

Natural Heritage Ranks

Federal Agency Status:

State: **S2**

U.S. Fish and Wildlife Service: **MBTA; BCC11**

Global: **G4T4**

U.S. Forest Service: **Sensitive**

U.S. Bureau of Land Management: **Sensitive**

FWP SWAP: **SGCN2**

Element Occurrence data was reported of Yellowstone cutthroat trout within 1 mile of the project area.

APPENDIX C TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Jan Stoddard, Industry and Services Outreach Bureau Chief
MT Office of Tourism and Business Development-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Pig Farm Fishing Access Site Permit and Development

Project Description: FWP proposes to obtain a RUP for approximately 3 acres of public land from the MDT along the Yellowstone River for the purpose of providing public access to the Yellowstone River and developing a fishing access site (FAS). Proposed developments include a designated gravel parking area, boat ramp, gravel access road, concrete vault latrine, boundary fencing, and informational signs. Development of the site will provide an important access point on the Yellowstone River for boaters and floaters.

1. Would this site development project have an impact on the tourism economy?
NO YES If YES, briefly describe:

Yes, as described, this project has the potential to positively impact the tourism and recreation industry economy. The Yellowstone River is one of Montana's greatest outdoor recreation assets and developing a new fishing access site (FAS) is critical to meeting the growing demand by both non-resident and resident fishing visitors for increased access to the Yellowstone River.

The economic benefit of fishing visitors is highly impactful. Travel groups who fished also take part in a wide variety of other activities while here, namely hiking (59%), wildlife watching (50%), recreational shopping (34%), visiting a local brewery (27%), visiting a museum (25%), visiting historic sites (25%), and participating in river rafting or floating (21%). (*ITRR, "Economic Contributions of the Yellowstone River to Park County, Montana," 2016*).

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
NO YES If YES, briefly describe:

Yes, as described, the project has the potential to improve quality and quantity of tourism and recreational opportunities. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete. The creation of an FAS with road access and parking, a boat ramp, latrine, fencing and signage creates a safe, secure, and sustainable asset for visitors.

Signature Jan Stoddard

Date: 4/18/18

APPENDIX D
MONTANA FISH, WILDLIFE AND PARKS
BEST MANAGEMENT PRACTICES

10-02-02

Updated May 1, 2008

I. ROADS

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
 - a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
 - a. Choose stable stream crossing sites. “Stable” refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. Road Design

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. “Standard” refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. Drainage from Road Surface

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
 - a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
 - b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use the lower gradients for less stable soils.
 - c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features.

Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.

2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.

D. Construction/Reconstruction

1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these “slash filter windrows” so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.

E. Road Maintenance

1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.
3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or plowing snow.
4. Avoid using roads during wet periods if such use would likely damage the road

drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.
2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or

crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.

3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.